



## State of New Jersey

DEPARTMENT OF EDUCATION  
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JON S. CORZINE  
*Governor*

LUCILLE E. DAVY  
*Acting Commissioner*

March 31, 2006

Dr. Henry Johnson  
Assistant Secretary  
US Department of Education  
Office of Elementary and Secondary Education  
400 Maryland Avenue, SW  
Washington, DC 20202

Dear Dr. Johnson:

The New Jersey Department of Education (NJDOE) appreciates the opportunity to submit updates to the state's "No Child Left Behind (NCLB) Consolidated State Application – Accountability Workbook." The NJDOE's workbook is being submitted to the USDOE for review and approval with our intention of utilizing the changes for the Spring 2006 state assessment results.

Enclosed are the following:

- NJDOE's previously approved workbook with track changes showing the current updates.
- NJDOE's workbook that incorporates these changes.

The NJDOE has updated the workbook to include clarifications of current practice and dates/timelines. Additionally, the NJDOE is requesting the following substantive amendments to the workbook:

1. **A uniform proficiency "N" of 30 for total students and all student subgroups.** The proposed change eliminates disparities in minimum "N" size for different subgroups in NJ. While this represents a slight increase in the minimum "N" size for most subgroups, it represents a decrease for students with disabilities. We believe our proposal reflects a proper balance of validity and inclusion considerations.
2. **A confidence interval of 95 percent added around proficiency and a confidence interval of 75 percent added around Safe Harbor.** In the past, NJDOE has not

used a confidence interval, instead applied a 5 percent error rate. This 5 percent would no longer be used when the confidence intervals are applied. We believe that our proposed confidence intervals will better differentiate for group size and accommodate the greater variability of results that can occur with small groups of students.

3. **Two percent flexibility for students with disabilities.** For purposes of assessments administered in this school year (and with the change to a uniform minimum “N”), NJDOE is requesting approval to use the two percent interim flexibility for students with disabilities in making AYP determinations consistent with Secretary Spellings' Dear Colleague letter of December 14, 2005.

NJDOE has a history of sound educational practices for assessing students with disabilities. In the 2005 testing cycle, 98.6 percent of NJ's students with disabilities participated in the state assessments. In grades 3 and 4, the combined participation rate was 99.6 percent; in grade 8 the participation rate was 98.8 percent; and in grade 11 the rate was 97.5 percent. NJDOE continues to use the Alternate Proficiency Assessment (APA) for eligible students with disabilities judiciously. The percentage of eligible students taking the APA in 2005 does not exceed one percent.

The assessments for grades 5, 6 and 7 were originally scheduled to be administered as a field test in 2006 and as a result the APA was not scheduled for these three grades. To be in compliance with NCLB, these assessments had to be operational and so an interim assessment process for these three grades was put into place that does not include the APA. Despite the absence of the APA administration in these three grades, the participation rate for the total population of students with disabilities is projected to meet 95 percent and students taking the APA are also projected to be under one percent. In 2006, the state's APA will continue to be used to assess eligible students with disabilities in grades 3, 4, 8 and 11. In the 2007 assessment cycle, our districts and schools are aware that all students with disabilities will be included and the APA will be fully administered in grades 3 through 8 and 11.

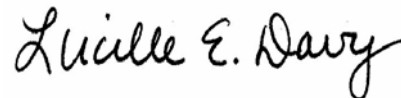
For this accountability cycle (2006 state assessments), the NJDOE is administering state assessments in grades 3 through 8 and 11 in language arts literacy and mathematics. The inclusion of assessments this year in grades 5, 6 & 7 completes the series of federally required tests. The results of the state assessments will be aggregated by grade span (elementary: 3, 4 & 5; middle: 6, 7 & 8; and high school: 11) using a uniform “N” of 30 for each grade span. For 2006, Safe Harbor will be calculated for each grade span using the data from the tests administered in 2005 (3, 4, 8 & 11). As in past practice, the NJDOE fully expects to notify districts and schools of their Adequate Yearly Progress results and their NCLB Yearly Status prior to the start of the school year in September 2006.

The NJDOE is confident that the requested substantive amendments (Uniform “N”, confidence intervals and the 2 percent special education flexibility) will yield valid and reliable results for our schools and districts. We wish to implement these amendments for the 2006 accountability cycle.

The NJDOE continues to explore methods that will improve validity and reliability of the state’s accountability system. We are currently investigating an “index model” for use in New Jersey in future years. Depending on our analysis in 2006, an “index model” amendment may be submitted for your review and approval.

Thank you for the opportunity to submit amendments to NJDOE’s Accountability Workbook. We look forward to implementing our workbook with the requested amendments. Please contact Barbara Gantwerk, Assistant Commissioner, with questions or comments. She can be reached by phone at 609-292-9899; by mail at the above address; or by email at [Barbara.gantwerk@doe.state.nj.us](mailto:Barbara.gantwerk@doe.state.nj.us)

Sincerely,

A handwritten signature in black ink that reads "Lucille E. Davy". The signature is written in a cursive, flowing style.

Lucille E. Davy  
Acting Commissioner

LED/BG

Enclosure

c: State Board Members  
Isaac Bryant  
Penelope Lattimer  
Barbara Gantwerk  
Assistant Commissioners  
Program Directors  
NCLB Advisory Council